

REMARKS

Claims 21 to 41 are now in this application. No amendments have been made to claims 21 to 35 and new claims 36 to 41 have been added.

All of the Claims are Patentable Over the Prior Art

Claims 21 to 35 stand rejected under 35 U.S.C. §103(a). The Examiner has combined two U.S. Patents 6,169,498 (the King patent) and 6,009,410 (the LeMole patent), and has asserted that the claims are unpatentable over this combination. This rejection is traversed for a number of reasons.

First, the Examiner has not sufficiently shown why the cited references are combinable. Second, even if the references are combinable generally, the combination still fails to suggest or disclose one or more features in the various claims.

No Showing of Combinability

The King patent discloses a PDA device to be used in connection with providing location-specific messages based on the presence of the PDA within a given facility. The LeMole patent is directed to a system wherein a terminal can be connected to the World Wide Web to provide customized advertisements to a user. Admittedly, LeMole and King both concern communication devices. That high level relationship, by itself, is not sufficient to justify combinability however. The Examiner has not adequately described why one skilled in the art would think of combining the facility-focused PDA of King with the web-based customized advertising arrangement of LeMole. In the absence of a suggestion to combine, either explicit or implied, this combination of the King and LeMole patents is not sustainable and must be withdrawn.

The Claims are Nonetheless Patentable over the Combination

Even if the references are combinable they do not render the pending claims obvious. At best the combined references might suggest that a user of the PDA could, upon departure from the facility, submit a request for advertising information about the facility. The combination fails to disclose or suggest at least one aspect of every one of the pending claims.

For example, claim 21 refers to activities that occur within the public space that have a direct bearing on the supplemental information supplied after the visitor leaves the space. In particular, the input received while the user is in the public space is what determines the content of the supplemental information. King/LeMole combination at best suggests that supplemental information would result from an input that occurs from outside the public space.

In independent claims 29 and 34 and in dependent claim 38, there is an even clearer recitation of the separate nature of the public space communication mechanisms and the mechanisms for conveying supplemental information. The recited interrelationship between these two mechanisms, that is the fact that the activity on one has an impact on the activity on the other is not disclosed in or suggested by any permissible combination of King and LeMole.

It is also worth noting that claims 35 and 36 also contain features that are not disclosed by the proposed combination. In claims 35 and 36 there is not only a separation in time and place between the generation of a request for supplemental information and its subsequent transmission, but there is the further recitation of associating such information with visitor identification information that as described in the application pertains to the visit to the public space itself. King and LeMole do not adequately describe or disclose such a combination of processes and information.

In summary, all of the pending claims, those specifically referred to above and the claims that depend either directly or indirectly from those claims, patentably define methods and systems that are not disclosed or suggested to one of ordinary skill in the art, even if King and LeMole are combinable. The only possibly proper combination of the references is inadequate to disclose all of the claimed features.

CONCLUSION


Claims 21-41 are patentable since the Examiner has not shown why the references are combinable and even if some combination could be constructed it would still fall short of disclosing or suggesting all of the claimed elements. Reconsideration and withdrawal of the outstanding rejection is requested. A Notice of Allowance is earnestly solicited.

The Examiner is invited to contact the undersigned to further discuss any issue concerning this application.

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